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Mr. Ridges appears to miss some important points. His statement that "the federation of all the Australasian colonies . . . under the Commonwealth of Australia Constitution Act, 1900, marks another stage in the advance of the Empire towards cohesion and unity," is one that will not find universal acceptance; to many it appears that the assimilation of the Australasian constitution to that of this country makes eventually for a complete regrouping of the Anglo-Saxon communities. Then again in discussing the various schemes of federation before the British public at present, he hardly does justice to the least ambitious of them, that of which Sir Frederick Pollock is the energetic sponsor. Mr. Ridges' point is that a committee of the Privy Council specially constituted to advise on colonial affairs would have no weight for lack of legislative or executive functions; but the answer to this is that this body might, as it became more and more useful, gradually work its way into a position of constitutional importance very much as the Cabinet has, which, indeed, is the main hope of those who advocate this measure.

The criticisms made are of details and do not affect the value of the book which, as a handbook for students or for those interested in the question of federation, should certainly prove a convenient guide.

R. M. J.

#### A SELECTION OF CASES ILLUSTRATIVE OF THE ENGLISH LAW OF TORTS.

By Courtney Stanhope Kenny. Cambridge: University Press. 1904. pp. xiv, 632. 8vo.

This attractive collection of cases published by the Cambridge Press inevitably suggests comparison with a similar volume lately issued at Oxford under the editorship of Messrs. Radcliffe and Miles. (See 18 HARV. L. REV. 159.) Both books are avowedly designed to accompany Sir Frederick Pollock's treatise on Torts; but Dr. Kenny's book follows Sir Frederick's classification more closely and is, on the whole, more satisfactory than the Oxford compilation. A logical development of the subject is evident, both in the subdivisions and in the cases under the various heads. Yet, perhaps, this collection errs in ambitiously including too much within its scope. Thus the cases on Principal and Agent might have been spared from a selection of illustrative cases on Torts. And while one hesitates to differ with an experienced teacher such as Dr. Kenny, one might well think it better to follow an inductive treatment throughout in a case-book, by commencing with specific torts, rather than to adopt Sir Frederick Pollock's method of presenting first the general principles of liability.

This collection offers a greater diversity and quantity of cases than the earlier volume, many of the opinions being considerably abridged. The compiler has wisely not confined himself to English cases. Thus, he summarizes and gives extracts from *Vegeahn v. Guntner* (167 Mass. 92), though this treatment is hardly adequate for a full appreciation of the case and the opinion of Mr. Justice Holmes. An interesting note on *Fair Comment* (p. 318) cites the recent *Cherry Sisters' case* in Iowa (114 Ia. 298). Portions of the opinion in the famous *Roberson Case* (171 N. Y. 538), denying the right of privacy, are printed, and in a note (p. 367) referring to the article of Messrs. Warren and Brandeis on "The Right to Privacy" in 4 HARV. L. REV. 193, the editor comments on the failure of the "effort of the Harvard Law Review to provide a remedy." Probably by this time English readers know that the narrow view of the New York court has been changed by statute and that, still more recently, the New York doctrine has been repudiated on common law grounds by the Georgia court. See 18 HARV. L. REV. 625. In this connection, Dr. Kenny prints a most interesting extract from an Indian decision, showing that in view of local domestic conditions, the right of privacy is recognized in India to a very wide extent. The numerous footnotes throughout the volume, though unpretentious, are suggestive. But in one of these notes the editor seems to lend unwarranted countenance to the theory of degrees of negligence. See 2 AMES & SMITH CAS. TORTS, 2d ed., 143 *et seq.*

The bracketed headnotes are a regrettable feature of the work. This pernicious plan indulgently gives the answer to the problems, the independent solution of which is one of the most valuable advantages of the study of cases. Further; it results in large, dangerous generalizations of the law, some of which in the present volume are positively misleading. Thus, the headnote to the *Mogul Steamship Case* (p. 195) asserts that "the right of competition exists even when you conduct the competition by means so unusual as to render it 'unfair.'" Again (p. 631), "Your breach of your contract with one person may constitute a tort against another." Throughout the book, headnotes are tainted with the ensnaring word "malice," though in several cases the editor repairs the mischief by calling attention to the misleading use of the term (pp. 187, 308). Further examples could be needlessly adduced. The danger of these notes is the greater because of their attractiveness and their convenient form as a summary of the law. Despite these defects, however, the collection is significant, not merely as another indication of the progressive tendency in English legal education, but also as an effective rejoinder to the unmerited reproach that case-books are dull and uninteresting.

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INTERNATIONAL CIVIL AND COMMERCIAL LAW, as Founded upon Theory, Legislation, and Practice. By F. Meili. Translated and supplemented with additions of American and English law, by Arthur F. Kuhn. New York: The Macmillan Company. 1905. pp. xxvii, 559. 8vo.

Growing appreciation of the practical importance of a knowledge of Conflict of Laws is one of the significant features in the development of modern legal instruction. Within the last decade the leading law schools of this country have undertaken to teach the subject to their students, and gradually it is being added to the curriculum of other schools. But in spite of this renewed interest in the topic on which Mr. Justice Story wrote one of his best known and most valuable works, very little has been done by legal writers in this country to give to the profession a useful, up-to-date treatise. Much more attention has been given to the subject by Continental jurists; and it is with the work of one of them that this notice has to deal.

The opportunity for fine reasoning which is offered by Conflict of Laws particularly appeals to jurists trained in the civil law. To them, however, law is a philosophy, not a science. Each jurist works out a theory which is logically sound, and which to his mind would solve the conflicts of law. But he disregards entirely, and without compunction, decisions of courts. In the treatise of a continental jurist one finds, not the law as the court makes it, but the law as the writer thinks it should be. Professor Meili's work is no exception to this rule. For that reason its utility to the American lawyers who desire to know foreign law is limited.

On the other hand, the book is of some academic value. The author has consulted, and refers to, treatises by the best known and most distinguished jurists of the several nations of Europe, and he also refers to the codes and law of most countries in which questions in this branch of jurisprudence have been considered. The chief limitation here, and a serious one, is that the codes and law of these several countries are not considered on each and every subject discussed, but the laws of some countries are referred to under one head, and the laws of totally different countries under the next head. In other words, the treatment is not complete. It would have been better to have limited the field of countries to be considered, and to have stated the laws of the countries selected on every point.

The work of translation has been well done. The book as it appears is readable and can be readily understood. Some sentences show, by their construction, their German origin; but they are not so numerous as might have been expected. The translator has added some English and American cases, intending "to state briefly and without discussion or argument, the law recognized in those jurisdictions, upon the principal points dealt with by the author."